

“O”

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No.: SACR 08-237
Plaintiff,)	ORDER OF DETENTION
vs.)	
JAMES RICHARD HALSTEAD,)	
Defendant.)	

I.

- A. () On motion of the Government in a case allegedly involving:
1. () a crime of violence.
 2. () an offense with maximum sentence of life imprisonment or death.
 3. () a narcotics or controlled substance offense with maximum sentence of ten or more years.
 4. () any felony - where defendant convicted of two or more prior offenses described above.
 5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

- 1 B. (X) On motion by the Government/() on Court's own motion, in a case
2 allegedly involving:
3 (X) On the further allegation by the Government of:
4 1. (X) a serious risk that the defendant will flee.
5 2. () a serious risk that the defendant will:
6 a. () obstruct or attempt to obstruct justice.
7 b. () threaten, injure or intimidate a prospective witness or
8 juror, or attempt to do so.
9 C. The Government () is/(X) is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.
12

13 **II.**

- 14 A. (X) The Court finds that no condition or combination of conditions will
15 reasonably assure:
16 1. (X) the appearance of the defendant as required.
17 (X) and/or
18 2. (X) the safety of any person or the community.
19 B. () The Court finds that the defendant has not rebutted by sufficient evidence
20 to the contrary the presumption provided by statute.
21

22 **III.**

23 The Court has considered:

- 24 A. (X) the nature and circumstances of the offense(s) charged, including whether
25 the offense is a crime of violence, a Federal crime of terrorism, or involves
26 a minor victim or a controlled substance, firearm, explosive, or destructive
27 device;
28 B. (X) the weight of evidence against the defendant;

- 1 C. (X) the history and characteristics of the defendant; and
- 2 D. (X) the nature and seriousness of the danger to any person or the community.

3

4 **IV.**

5 The Court also has considered all the evidence adduced at the hearing and the
6 arguments and/or statements of counsel, and the Pretrial Services
7 Report/recommendation.

8

9 **V.**

10 The Court bases the foregoing finding(s) on the following:

- 11 A. (X) As to flight risk: Defendant has nothing to lose by fleeing because he has a
12 \$66 million dollar civil judgment against him and is facing a prison
13 sentence of approximately ten years if convicted. Further, according to the
14 Government's proffer, Defendant recently made comments that indicate he
15 intends to flee and has hidden some of the victim's unrecovered funds,
16 which he can then use to cover his expenses if he becomes a fugitive.
17 Defendant's admitted depression, history of using illegal drugs, and daily
18 drinking habit indicate Defendant is mentally unstable and is not likely to
19 comply with conditions of release. Defendant has also failed to proffer
20 adequate bail resources or sureties.
- 21 B. (X) As to danger: The nature of the charged offenses as set forth in the original
22 complaint and grand jury's indictment, combined with Defendant's
23 criminal history (which includes a 1998 state conviction for engaging in
24 another fraudulent investment scheme), demonstrate Defendant has learned
25 nothing from his past criminal punishment, and that his 1998 conviction
26 was not a sufficient deterrent. To the contrary, the pending charges in the
27 grand jury indictment and Defendant's 1998 conviction actually
28 demonstrate that, in the six-to-eight year period following Defendant's

1 1998 conviction, Defendant has simply refined the nature of his swindles
2 and has moved on to higher-yielding fraudulent schemes.

3
4 **VI.**

- 5 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
6 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
7 the Attorney General for confinement in a corrections facility separate, to the
8 extent practicable, from persons awaiting or serving sentences or being held in
9 custody pending appeal.
10 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
11 opportunity for private consultation with counsel.
12 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
13 request of any attorney for the Government, the person in charge of the
14 corrections facility in which defendant is confined deliver the defendant to a
15 United States marshal for the purpose of an appearance in connection with a court
16 proceeding.

17
18 DATED: September 22, 2008

/s/ Arthur Nakazato
ARTHUR NAKAZATO
UNITED STATES MAGISTRATE JUDGE